

2011 DRAFTING REQUEST

Bill

Received: **10/07/2011**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Thomas Tiffany (608) 266-7694**

By/Representing: **Jessie**

May Contact: **Tom Larson of Realtors Assoc. &**

Drafter: **mshovers**

Subject: **Local Gov't - zoning**

Addl. Drafters:

Extra Copies: **EVM
RNK**

Submit via email: **YES**

Requester's email: **Rep.Tiffany@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Ordinances to comply with shoreland zoning rules

Instructions:

See attached. Create an Assembly companion to LRB -1707. For /2, take out all the shoreland zoning material. The /2 is to limit the designation of a nonconforming use under local zoning ordinances.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/09/2011	jdyer 11/09/2011		_____			Local
/1			rschluet 11/10/2011	_____	sbasford 11/10/2011		Local
/2	mshovers 11/15/2011	jdyer 11/16/2011	lparisi 11/16/2011	_____	lparisi 11/16/2011		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		jdye 01/20/2012	jmurphy 01/20/2012		sbasford 01/20/2012		
/3	mshovers 02/02/2012	jdye 02/02/2012	jmurphy 01/20/2012		sbasford 01/20/2012		Local
/4			rschluet 02/02/2012		lparisi 02/02/2012	lparisi 02/14/2012	

FE Sent For:

<END>

→ At
Intro.

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By/Representing: Jessie

May Contact: Tom Larson of Realtors Assoc. &

Drafter: mshovers

Subject: Local Gov't - zoning

Addl. Drafters:

Extra Copies: EVM
RNK

Submit via email: YES

Requester's email: Rep.Tiffany@legis.wi.gov

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Pre Topic:

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/1		4 2 2 jld	rschluet 11/10/2011	_____	sbasford 11/10/2011		Local
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2212

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jdye
01/20/2012

jmurphy _____
01/20/2012 _____

sbasford
01/20/2012

/3

jmurphy _____
01/20/2012 _____

sbasford
01/20/2012

FE Sent For:

<END>

2011 DRAFTING REQUEST**Bill**

Received: 10/07/2011

Received By: mshovers

Wanted: As time permits

Companion to LRB:

For: Jim Steineke (608) 266-2418

By/Representing: Katherine → Jessie

May Contact: Tom Larson of the Realtors Assoc. Drafter: mshovers

Subject: Local Gov't - zoning

Addl. Drafters:

Extra Copies: EVM
RNK

Submit via email: YES

Requester's email: Rep. Steineke@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Ordinances to comply with shoreland zoning rules

Instructions:

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13 MES 1/20/12

1/20/12 RNM

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 10/07/2011

Wanted: As time permits

For: Jim Steineke (608) 266-2418

May Contact:

Subject:

Nat. Res. - wet/shore/flood
Local Gov't - zoning

Received By: mshovers

Companion to LRB:

By/Representing: Katherine

Drafter: *rkite*

Addl. Drafters:

mshovers

Extra Copies:

EVM

RMK

Submit via email: YES

Requester's email: Rep.Steineke@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Ordinances to comply with shoreland zoning rules

Instructions:

See attached. Create an Assembly companion to LRB -1707

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/?	rkite 11/09/2011	jdyer 11/09/2011					Local
/1	<i>12 MES 11/15/11</i>	<i>2 11/10/11</i>	rschlue 11/10/2011	<i>RS 11-16-11</i>	sbasford 11/10/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **10/07/2011**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Jim Steineke (608) 266-2418**

By/Representing: **Katherine**

May Contact:

Drafter: **rkite**

Subject: **Nat. Res. - wet/shore/flood
Local Gov't - zoning**

Addl. Drafters: **mshovers**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Steineke@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

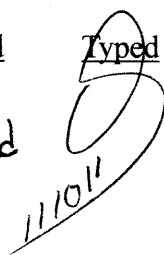
Topic:

Ordinances to comply with shoreland zoning rules

Instructions:

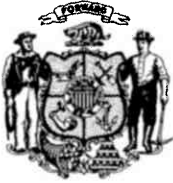
See attached. Create an Assembly companion to LRB -1707

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1/?	rkite	11/9 jld		_____			

FE Sent For:

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(Sovn)

State of Wisconsin
2011 - 2012 LEGISLATURE



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not run

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LRB-1707/3

RNK&MES:sbb&jld:ph

Keep

2011 BILL

In
11/9

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Regen

1 AN ACT *to amend* 59.69 (10) (a), 59.69 (10) (b) 3., 59.69 (10) (c), 59.69 (10) (e),
2 59.69 (10m) (a) (intro.), 59.69 (10m) (a) 1., 59.69 (10m) (b), 59.692 (1s) (a) (intro.)
3 and 1., 60.61 (5) (a) to (e), 60.61 (5m) (a) (intro.) and 1., 61.351 (5), (5m) (a)
4 (intro.) and 1., 62.23 (7) (h), 62.23 (7) (hc) 1. (intro.), 62.23 (7) (hc) 1. a., 62.23
5 (7) (hc) 2., 62.23 (7) (hg) 1. and 2. and 62.231 (5) and (5m) (a) (intro.) and 1.; and
6 *to create* 59.692 (1p) and 59.692 (2m) of the statutes; **relating to:** certain
7 shoreland zoning standards and ordinances that regulate nonconforming
8 structures and the construction of structures and buildings and limiting the
9 designation of a nonconforming use under local zoning ordinances.

Analysis by the Legislative Reference Bureau

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area and the ordinance must meet shoreland zoning standards established by the Department of Natural Resources (DNR) by rule. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water. Current law also specifies that, if a shoreland area is annexed by a city or village (annexing municipality) or is part of a town that incorporates as a city or village (incorporated municipality), then, with certain

BILL

exceptions, the county shoreland zoning ordinance continues in effect and must be enforced by the annexing or incorporated municipality. The exceptions in current law allow the annexing or incorporated municipality to enforce its own zoning ordinance with respect to shorelands if the ordinance complies with shoreland zoning standards that are at least as restrictive as the county shoreland zoning ordinance.

This bill prohibits a county from enacting, and prohibits a county, city, or village from enforcing, any provision in a county shoreland zoning ordinance that regulates the use, location, maintenance, expansion, replacement, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by DNR. The prohibition under the bill also applies to a shoreland zoning ordinance enacted by an annexing or incorporated municipality. The bill defines a nonconforming structure as a structure that does not conform with a county shoreland zoning ordinance but that lawfully existed before the county shoreland zoning ordinance was enacted.

The bill also provides that DNR may not establish a shoreland zoning standard, and a county may not enact or enforce a shoreland zoning ordinance, that prohibits the construction of a structure or building on certain lots, parcels, or tracts (lots). Under the bill, a shoreland zoning standard or ordinance may not prohibit the construction of a structure or a building on a lot that does not meet minimum area and width requirements if the lot met those requirements when the lot was originally created or if there was no shoreland zoning standard or ordinance in effect that established minimum area and width requirements when the lot was originally created.

Under current law, cities, villages, certain towns (municipalities), and counties are authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for various purposes.

Also under current law, a zoning ordinance enacted by a municipality or county may not prohibit the continued lawful use of any building, premises, structure, or fixture for any trade or industry for which the building, premises, structure, or fixture is used when the ordinance takes effect, although in certain towns such an ordinance may prohibit the alteration of, or addition to, any existing building, premises, structure, or fixture that is used to carry on an otherwise prohibited trade or industry within the area that is subject to the ordinance (district).

In cities, villages, towns exercising village powers, and counties, the alteration of, addition to, or repair in excess of 50 percent of the assessed value of any existing building, premises, structure, or fixture to carry on any prohibited trade or industry within the district may be prohibited, except for certain structures that are damaged or destroyed by the elements, fire, vandalism, or infestation. Generally, if such a nonconforming use of a building, premises, structure, or fixture is discontinued for 12 months, any future use of the building, premises, structure, or fixture must

BILL

conform to the municipality's or county's zoning ordinance. Under county law, the continued use of a nonconforming temporary structure may be prohibited.

Under this bill, no city, village, town, or county may prohibit the continued lawful use of any building, premises, structure, or fixture or the repair or maintenance of a building premises, structure other than billboard, or fixture, for any trade or industry for which the building, premises, structure, or fixture is used when the ordinance takes effect, but the continuance of the nonconforming use of a temporary structure may be prohibited, except for certain damaged or destroyed temporary structures. Generally under the bill, any zoning restriction that may be applied currently to a building, premises, structure, or fixture, and would be currently considered a nonconforming use, may only be applied to a temporary structure.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.69 (10) (a) of the statutes is amended to read:

2 59.69 **(10)** (a) An ordinance enacted under this section may not prohibit the
3 continuance of the lawful use of any building, premises, structure, or fixture, or the
4 repair or maintenance of any building, premises, structure other than a billboard,
5 or fixture, for any trade or industry for which such building, premises, structure, or
6 fixture is used at the time that the ordinances take effect, but the ~~alteration of, or~~
7 ~~addition to, or repair in excess of 50 percent of its assessed value of any existing~~
8 ~~building, premises, structure, or fixture for the purpose of carrying on any prohibited~~
9 ~~trade or new industry within the district where such buildings, premises, structures,~~
10 ~~or fixtures are located, may be prohibited.~~ The continuance of the nonconforming use
11 of a temporary structure may be prohibited. If the nonconforming use is
12 discontinued for a period of 12 months, any future use of the ~~building, premises,~~
13 temporary structure, ~~or fixture~~ shall conform to the ordinance.

14 **SECTION 2.** 59.69 (10) (b) 3. of the statutes is amended to read:

BILL**SECTION 2**

1 59.69 (10) (b) 3. The officer designated under subd. 1. or 2. shall cause a record
2 to be made immediately after the enactment of an ordinance or amendment thereto,
3 or change in district boundary, approved by the town board, of all ~~lands, premises and~~
4 ~~buildings~~ temporary structures in the town used for purposes not conforming to the
5 regulations applicable to the district in which they are situated. The record shall
6 include the legal description of the lands on which the structures are located, the
7 nature and extent of the uses therein, and the names and addresses of the owner or
8 occupant or both. Promptly on its completion the record shall be published in the
9 county as a class 1 notice, under ch. 985. The record, as corrected, shall be on file with
10 the register of deeds 60 days after the last publication and shall be prima facie
11 evidence of the extent and number of nonconforming uses existing on the effective
12 date of the ordinance in the town. Corrections before the filing of the record with the
13 register of deeds may be made on the filing of sworn proof in writing, satisfactory to
14 the officer administering the zoning ordinance.

15 **SECTION 3.** 59.69 (10) (c) of the statutes is amended to read:

16 59.69 (10) (c) The board shall prescribe a procedure for the annual listing of
17 nonconforming uses of temporary structures, discontinued or created, since the
18 previous listing and for all other nonconforming uses of temporary structures.
19 Discontinued and newly created nonconforming uses of temporary structures shall
20 be recorded with the register of deeds immediately after the annual listing.

21 **SECTION 4.** 59.69 (10) (e) of the statutes is amended to read:

22 59.69 (10) (e) 1. In this paragraph, "amortization ordinance" means an
23 ordinance that allows the continuance of the lawful use of a nonconforming ~~building,~~
24 ~~premises,~~ temporary structure, or fixture that may be lawfully used as described
25 under par. (a), but only for a specified period of time, after which the lawful use of

BILL

1 such ~~building, premises, structure, or fixture~~ must be discontinued without the
2 payment of just compensation.

3 2. Subject to par. (a), an ordinance enacted under this section may not require
4 the removal of a nonconforming ~~building, premises, temporary structure, or fixture~~
5 by an amortization ordinance.

6 **SECTION 5.** 59.69 (10m) (a) (intro.) of the statutes is amended to read:

7 59.69 **(10m)** (a) (intro.) Restrictions that are applicable to damaged or
8 destroyed nonconforming temporary structures and that are contained in an
9 ordinance enacted under this section may not prohibit the restoration of a
10 nonconforming temporary structure if the temporary structure will be restored to the
11 size, subject to par. (b), location, and use that it had immediately before the damage
12 or destruction occurred, or impose any limits on the costs of the repair,
13 reconstruction, or improvement if all of the following apply:

14 **SECTION 6.** 59.69 (10m) (a) 1. of the statutes is amended to read:

15 59.69 **(10m)** (a) 1. The nonconforming temporary structure was damaged or
16 destroyed on or after March 2, 2006.

17 **SECTION 7.** 59.69 (10m) (b) of the statutes is amended to read:

18 59.69 **(10m)** (b) An ordinance enacted under this section to which par. (a)
19 applies shall allow for the size of a temporary structure to be larger than the size it
20 was immediately before the damage or destruction if necessary for the temporary
21 structure to comply with applicable state or federal requirements.

22 **SECTION 8.** 59.692 (1p) of the statutes is created to read:

23 59.692 **(1p)** The department may not establish or enforce a shoreland zoning
24 standard, and a county may not enact or enforce an ordinance under this section, that
25 prohibits the construction of a structure or building on a lot, parcel, or tract that does

BILL**SECTION 8**

1 not meet minimum area or width requirements under that standard or ordinance,
2 if any of the following applies:

3 (a) The lot, parcel, or tract met the minimum area and width requirements for
4 the construction of a structure or building when the lot, parcel, or tract was originally
5 created.

6 (b) There was no shoreland zoning standard or ordinance in effect under this
7 section that established a minimum area or width requirement for the construction
8 of a structure or building on the lot, parcel, or tract when the lot, parcel, or tract was
9 originally created.

10 **SECTION 9.** 59.692 (1s) (a) (intro.) and 1. of the statutes are amended to read:

11 59.692 (1s) (a) (intro.) Restrictions that are applicable to damaged or destroyed
12 nonconforming temporary structures and that are contained in an ordinance enacted
13 under this section may not prohibit the restoration of a nonconforming temporary
14 structure if the temporary structure will be restored to the size, subject to par. (b),
15 location and use that it had immediately before the damage or destruction occurred
16 or impose any limits on the costs of the repair, reconstruction or improvement if all
17 of the following apply:

18 1. The nonconforming temporary structure was damaged or destroyed after
19 October 14, 1997.

20 **SECTION 10.** 59.692 (2m) of the statutes is created to read:

21 59.692 (2m) (a) In this subsection, "nonconforming structure" means a
22 structure that does not conform with a county shoreland zoning ordinance enacted
23 under this section but that existed lawfully before the county shoreland zoning
24 ordinance was enacted.

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1 (b) A county may not enact, and a county, city, or village may not enforce, a
2 provision in a county shoreland zoning ordinance that regulates the use, location,
3 maintenance, expansion, replacement, repair, or relocation of a nonconforming
4 structure if that provision is more restrictive than the shoreland zoning standards
5 for nonconforming structures promulgated by the department under this section.

6 (c) A city or village annexed as provided under sub. (7) (a) or incorporated as
7 provided under sub. (7) (ad) may not enact or enforce a provision in a city or village
8 shoreland zoning ordinance that regulates the use, location, maintenance,
9 expansion, replacement, repair, or relocation of a nonconforming structure if that
10 provision is more restrictive than the shoreland zoning standards for nonconforming
11 structures promulgated by the department under this section.

12 **SECTION 11.** 60.61 (5) (a) to (e) of the statutes are amended to read:

13 60.61 (5) (a) An ordinance adopted under this section may not prohibit the
14 continued use of any building, premises, structure, or fixture, or the repair or
15 maintenance of any building, premises, structure other than a billboard, or fixture,
16 for any trade or industry for which the building, premises, structure, or fixture is
17 used when the ordinance takes effect. ~~An ordinance adopted under this section may~~
18 ~~prohibit the alteration of, or addition to, any existing building, premises, structure,~~
19 ~~or fixture used to carry on an otherwise prohibited trade or industry within the~~
20 ~~district, but the continuance of the nonconforming use of a temporary structure may~~
21 be prohibited. If a use that does not conform to an ordinance adopted under this
22 section is discontinued for a period of 12 months, any future use of the ~~land, building,~~
23 ~~premises, temporary structure, or fixture~~ shall conform to the ordinance.

24 (b) Except as provided in par. (d), immediately after the publication of a town
25 zoning ordinance, the town board shall provide for the compilation of a record of the

BILL**SECTION 11**

1 present use of all ~~buildings and premises~~ temporary structures used for purposes not
2 in conformity with the zoning ordinance. The record shall contain the names and
3 addresses of the owner of the nonconforming use and any occupant other than the
4 owner, the legal description of the land, and the nature and extent of the use of the
5 land. The record shall be published in the town as a class 1 notice under ch. 985.
6 Within 60 days after final publication, upon presentation of proof to the town board,
7 errors or omissions in the record may be corrected. At the expiration of the 60-day
8 period, the record shall be filed in the office of the town clerk after the record is first
9 recorded in the office of the register of deeds. The record is prima facie evidence of
10 the extent and number of nonconforming uses of temporary structures existing at the
11 time the ordinance takes effect. Errors or omissions in the record shall be corrected
12 by the town board upon petition of any citizen or by the board on its own motion. The
13 decision of the board concerning errors or omissions is final.

14 (c) Immediately after the record of nonconforming uses of temporary structures
15 is filed with the town clerk, the clerk shall furnish the town assessor the record of
16 such nonconforming uses within the town. After the assessment for the following
17 year and each succeeding assessment, the town assessor shall file a written report,
18 certified by the board of review, with the town clerk listing all nonconforming uses
19 of temporary structures which have been discontinued since the prior assessment.
20 The town clerk shall record such discontinued nonconforming uses as soon as
21 reported by the assessor. In this paragraph, "town assessor" includes the county
22 assessor assessing the town under s. 70.99.

23 (d) Paragraphs (b) and (c) do not apply to towns issuing building permits as a
24 means of enforcing the zoning ordinance or of identifying nonconforming uses of

BILL

1 temporary structures or to towns which have established other procedures for this
2 purpose.

3 (e) 1. In this paragraph, "amortization ordinance" means an ordinance that
4 allows the continuance of the lawful use of a nonconforming ~~building, premises,~~
5 temporary structure, or fixture that may be lawfully used as described under par. (a),
6 but only for a specified period of time, after which the lawful use of such ~~building,~~
7 ~~premises, temporary structure, or fixture~~ must be discontinued without the payment
8 of just compensation.

9 2. Subject to par. (a), an ordinance enacted under this section may not require
10 the removal of a nonconforming ~~building, premises, temporary structure, or fixture~~
11 by an amortization ordinance.

12 **SECTION 12.** 60.61 (5m) (a) (intro.) and 1. of the statutes are amended to read:

13 60.61 **(5m)** (a) (intro.) Restrictions that are applicable to damaged or destroyed
14 nonconforming temporary structures and that are contained in an ordinance
15 adopted under this section may not prohibit the restoration of a nonconforming
16 temporary structure if the temporary structure will be restored to the size, subject
17 to par. (b), location, and use that it had immediately before the damage or destruction
18 occurred, or impose any limits on the costs of the repair, reconstruction, or
19 improvement if all of the following apply:

20 1. The nonconforming temporary structure was damaged or destroyed on or
21 after March 2, 2006.

22 **SECTION 13.** 61.351 (5), (5m) (a) (intro.) and 1. of the statutes are amended to
23 read:

24 61.351 **(5)** REPAIR AND EXPANSION OF EXISTING TEMPORARY STRUCTURES PERMITTED.
25 Notwithstanding s. 62.23 (7) (h), an ordinance adopted under this section may not

BILL**SECTION 13**

1 prohibit the repair, reconstruction, renovation, remodeling or expansion of a
2 nonconforming temporary structure in existence on the effective date of an ordinance
3 adopted under this section or any environmental control facility in existence on the
4 effective date of an ordinance adopted under this section related to that temporary
5 structure.

6 **(5m)** (a) (intro.) Restrictions that are applicable to damaged or destroyed
7 nonconforming temporary structures and that are contained in an ordinance
8 adopted under this section may not prohibit the restoration of a nonconforming
9 temporary structure if the temporary structure will be restored to the size, subject
10 to par. (b), location, and use that it had immediately before the damage or destruction
11 occurred, or impose any limits on the costs of the repair, reconstruction, or
12 improvement if all of the following apply:

13 1. The nonconforming temporary structure was damaged or destroyed on or
14 after March 2, 2006.

15 **SECTION 14.** 62.23 (7) (h) of the statutes is amended to read:

16 62.23 **(7)** (h) *Nonconforming uses.* The continued lawful use of a building,
17 premises, structure, or fixture, or the repair or maintenance of a building, premises,
18 structure other than a billboard, or fixture, existing at the time of the adoption or
19 amendment of a zoning ordinance may not be prohibited although the ~~use does not~~
20 ~~conform with the provisions of the ordinance.~~ The nonconforming use may not be
21 ~~extended.~~ The total structural repairs or alterations in such a nonconforming
22 ~~building, premises, structure, or fixture shall not during its life exceed 50 percent of~~
23 ~~the assessed value of the building, premises, structure, or fixture unless~~
24 ~~permanently changed to a conforming use~~ continuance of the nonconforming use of
25 a temporary structure may be prohibited. If the nonconforming use is discontinued

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1 for a period of 12 months, any future use of the ~~building, premises,~~ temporary
2 ~~structure, or fixture~~ shall conform to the ordinance.

3 **SECTION 15.** 62.23 (7) (hc) 1. (intro.) of the statutes is amended to read:

4 62.23 (7) (hc) 1. (intro.) Restrictions that are applicable to damaged or
5 destroyed nonconforming temporary structures and that are contained in an
6 ordinance enacted under this subsection may not prohibit the restoration of a
7 nonconforming temporary structure if the temporary structure will be restored to the
8 size, subject to subd. 2., location, and use that it had immediately before the damage
9 or destruction occurred, or impose any limits on the costs of the repair,
10 reconstruction, or improvement if all of the following apply:

11 **SECTION 16.** 62.23 (7) (hc) 1. a. of the statutes is amended to read:

12 62.23 (7) (hc) 1. a. The nonconforming temporary structure was damaged or
13 destroyed on or after March 2, 2006.

14 **SECTION 17.** 62.23 (7) (hc) 2. of the statutes is amended to read:

15 62.23 (7) (hc) 2. An ordinance enacted under this subsection to which subd. 1.
16 applies shall allow for the size of a temporary structure to be larger than the size it
17 was immediately before the damage or destruction if necessary for the temporary
18 structure to comply with applicable state or federal requirements.

19 **SECTION 18.** 62.23 (7) (hg) 1. and 2. of the statutes are amended to read:

20 62.23 (7) (hg) 1. In this paragraph, "amortization ordinance" means an
21 ordinance that allows the continuance of the lawful use of a nonconforming ~~building,~~
22 ~~premises,~~ temporary structure, ~~or fixture~~ that may be lawfully used as described
23 under par. (h), but only for a specified period of time, after which the lawful use of
24 such ~~building, premises,~~ structure, ~~or fixture~~ must be discontinued without the
25 payment of just compensation.

BILL

SECTION 18

2. Subject to par. (h), an ordinance enacted under this subsection may not require the removal of a nonconforming ~~building, premises, temporary structure, or fixture by an amortization ordinance.~~

SECTION 19. 62.231 (5) and (5m) (a) (intro.) and 1. of the statutes are amended to read:

62.231 (5) REPAIR AND EXPANSION OF EXISTING TEMPORARY STRUCTURES PERMITTED.

Notwithstanding s. 62.23 (7) (h), an ordinance adopted under this section may not prohibit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming temporary structure in existence on the effective date of an ordinance adopted under this section or any environmental control facility in existence on May 7, 1982 related to that temporary structure.

(5m) (a) (intro.) Restrictions that are applicable to damaged or destroyed nonconforming temporary structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming temporary structure if the temporary structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming temporary structure was damaged or destroyed on or after March 2, 2006.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3146/1

RNK&MES:sbb&jld:rs

fmr

2011 BILL

X

1 AN ACT *to amend* 59.69 (10) (a), 59.69 (10) (b) 3., 59.69 (10) (c), 59.69 (10) (e),
2 59.69 (10m) (a) (intro.), 59.69 (10m) (a) 1., 59.69 (10m) (b), 59.692 (1s) (a) (intro.)
3 and 1., 60.61 (5) (a) to (e), 60.61 (5m) (a) (intro.) and 1., 61.351 (5), (5m) (a)
4 (intro.) and 1., 62.23 (7) (h), 62.23 (7) (hc) 1. (intro.), 62.23 (7) (hc) 1. a., 62.23
5 (7) (hc) 2., 62.23 (7) (hg) 1. and 2. and 62.231 (5) and (5m) (a) (intro.) and 1.; and
6 *to create* 59.692 (1p) and 59.692 (2m) of the statutes; *relating to:* certain
7 shoreland zoning standards and ordinances that regulate nonconforming
8 structures and the construction of structures and buildings and limiting the
9 designation of a nonconforming use under local zoning ordinances. ✓

Analysis by the Legislative Reference Bureau

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area and the ordinance must meet shoreland zoning standards established by the Department of Natural Resources (DNR) by rule. Current law defines a shoreland to be an area within a certain distance from the edge of a navigable water. Current law also specifies that, if a shoreland area is annexed by a city or village (annexing municipality) or is part of a town that incorporates as a city or village (incorporated municipality), then, with certain

BILL

9
exceptions, the county shoreland zoning ordinance continues in effect and must be enforced by the annexing or incorporated municipality. The exceptions in current law allow the annexing or incorporated municipality to enforce its own zoning ordinance with respect to shorelands if the ordinance complies with shoreland zoning standards that are at least as restrictive as the county shoreland zoning ordinance.

This bill prohibits a county from enacting, and prohibits a county, city, or village from enforcing, any provision in a county shoreland zoning ordinance that regulates the use, location, maintenance, expansion, replacement, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by DNR. The prohibition under the bill also applies to a shoreland zoning ordinance enacted by an annexing or incorporated municipality. The bill defines a nonconforming structure as a structure that does not conform with a county shoreland zoning ordinance but that lawfully existed before the county shoreland zoning ordinance was enacted.

The bill also provides that DNR may not establish a shoreland zoning standard, and a county may not enact or enforce a shoreland zoning ordinance, that prohibits the construction of a structure or building on certain lots, parcels, or tracts (lots). Under the bill, a shoreland zoning standard or ordinance may not prohibit the construction of a structure or a building on a lot that does not meet minimum area and width requirements if the lot met those requirements when the lot was originally created or if there was no shoreland zoning standard or ordinance in effect that established minimum area and width requirements when the lot was originally created.

Under current law, cities, villages, certain towns (municipalities), and counties are authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for various purposes.

Also under current law, a zoning ordinance enacted by a municipality or county may not prohibit the continued lawful use of any building, premises, structure, or fixture for any trade or industry for which the building, premises, structure, or fixture is used when the ordinance takes effect, although in certain towns such an ordinance may prohibit the alteration of, or addition to, any existing building, premises, structure, or fixture that is used to carry on an otherwise prohibited trade or industry within the area that is subject to the ordinance (district).

In cities, villages, towns exercising village powers, and counties, the alteration of, addition to, or repair in excess of 50 percent of the assessed value of any existing building, premises, structure, or fixture to carry on any prohibited trade or industry within the district may be prohibited, except for certain structures that are damaged or destroyed by the elements, fire, vandalism, or infestation. Generally, if such a nonconforming use of a building, premises, structure, or fixture is discontinued for 12 months, any future use of the building, premises, structure, or fixture must

BILL

conform to the municipality's or county's zoning ordinance. Under county law, the continued use of a nonconforming temporary structure may be prohibited.

Under this bill, no city, village, town, or county may prohibit the continued lawful use of any building, premises, structure, or fixture or the repair or maintenance of a building premises, structure other than billboard, or fixture, for any trade or industry for which the building, premises, structure, or fixture is used when the ordinance takes effect, but the continuance of the nonconforming use of a temporary structure may be prohibited, except for certain damaged or destroyed temporary structures. Generally under the bill, any zoning restriction that may be applied currently to a building, premises, structure, or fixture, and would be currently considered a nonconforming use, may only be applied to a temporary structure.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.69 (10) (a) of the statutes is amended to read:

2 59.69 (10) (a) An ordinance enacted under this section may not prohibit the
3 continuance of the lawful use of any building, premises, structure, or fixture, or the
4 repair or maintenance of any building, premises, structure other than a billboard,
5 or fixture, for any trade or industry for which such building, premises, structure, or
6 fixture is used at the time that the ordinances take effect, but the alteration of, or
7 ~~addition to, or repair in excess of 50 percent of its assessed value of any existing~~
8 ~~building, premises, structure, or fixture for the purpose of carrying on any prohibited~~
9 ~~trade or new industry within the district where such buildings, premises, structures,~~
10 ~~or fixtures are located, may be prohibited.~~ The continuance of the nonconforming use
11 of a temporary structure may be prohibited. If the nonconforming use is
12 discontinued for a period of 12 months, any future use of the building, premises,
13 temporary structure, or fixture shall conform to the ordinance.

14 **SECTION 2.** 59.69 (10) (b) 3. of the statutes is amended to read:

BILL**SECTION 2**

1 59.69 (10) (b) 3. The officer designated under subd. 1. or 2. shall cause a record
2 to be made immediately after the enactment of an ordinance or amendment thereto,
3 or change in district boundary, approved by the town board, of all ~~lands, premises and~~
4 ~~buildings~~ temporary structures in the town used for purposes not conforming to the
5 regulations applicable to the district in which they are situated. The record shall
6 include the legal description of the lands on which the structures are located, the
7 nature and extent of the uses therein, and the names and addresses of the owner or
8 occupant or both. Promptly on its completion the record shall be published in the
9 county as a class 1 notice, under ch. 985. The record, as corrected, shall be on file with
10 the register of deeds 60 days after the last publication and shall be prima facie
11 evidence of the extent and number of nonconforming uses existing on the effective
12 date of the ordinance in the town. Corrections before the filing of the record with the
13 register of deeds may be made on the filing of sworn proof in writing, satisfactory to
14 the officer administering the zoning ordinance.

15 **SECTION 3.** 59.69 (10) (c) of the statutes is amended to read:

16 59.69 (10) (c) The board shall prescribe a procedure for the annual listing of
17 nonconforming uses of temporary structures, discontinued or created, since the
18 previous listing and for all other nonconforming uses of temporary structures.
19 Discontinued and newly created nonconforming uses of temporary structures shall
20 be recorded with the register of deeds immediately after the annual listing.

21 **SECTION 4.** 59.69 (10) (e) of the statutes is amended to read:

22 59.69 (10) (e) 1. In this paragraph, "amortization ordinance" means an
23 ordinance that allows the continuance of the lawful use of a nonconforming ~~building,~~
24 ~~premises,~~ temporary structure, ~~or fixture~~ that may be lawfully used as described
25 under par. (a), but only for a specified period of time, after which the lawful use of

BILL

1 such ~~building, premises, structure, or fixture~~ must be discontinued without the
2 payment of just compensation.

3 2. Subject to par. (a), an ordinance enacted under this section may not require
4 the removal of a nonconforming ~~building, premises, temporary~~ structure, ~~or fixture~~
5 by an amortization ordinance.

6 **SECTION 5.** 59.69 (10m) (a) (intro.) of the statutes is amended to read:

7 59.69 (10m) (a) (intro.) Restrictions that are applicable to damaged or
8 destroyed nonconforming temporary structures and that are contained in an
9 ordinance enacted under this section may not prohibit the restoration of a
10 nonconforming temporary structure if the temporary structure will be restored to the
11 size, subject to par. (b), location, and use that it had immediately before the damage
12 or destruction occurred, or impose any limits on the costs of the repair,
13 reconstruction, or improvement if all of the following apply:

14 **SECTION 6.** 59.69 (10m) (a) 1. of the statutes is amended to read:

15 59.69 (10m) (a) 1. The nonconforming temporary structure was damaged or
16 destroyed on or after March 2, 2006.

17 **SECTION 7.** 59.69 (10m) (b) of the statutes is amended to read:

18 59.69 (10m) (b) An ordinance enacted under this section to which par. (a)
19 applies shall allow for the size of a temporary structure to be larger than the size it
20 was immediately before the damage or destruction if necessary for the temporary
21 structure to comply with applicable state or federal requirements.

22 **SECTION 8.** 59.692 (1p) of the statutes is created to read:

23 59.692 (1p) The department may not establish or enforce a shoreland zoning
24 standard, and a county may not enact or enforce an ordinance under this section, that
25 prohibits the construction of a structure or building on a lot, parcel, or tract that does

BILL

SECTION 8

not meet minimum area or width requirements under that standard or ordinance,
if any of the following applies:

(a) The lot, parcel, or tract met the minimum area and width requirements for the construction of a structure or building when the lot, parcel, or tract was originally created.

(b) There was no shoreland zoning standard or ordinance in effect under this section that established a minimum area or width requirement for the construction of a structure or building on the lot, parcel, or tract when the lot, parcel, or tract was originally created.

SECTION 9. 59.692 (1s) (a) (intro.) and 1. of the statutes are amended to read:

59.692 (1s) (a) (intro.) Restrictions that are applicable to damaged or destroyed nonconforming temporary structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming temporary structure if the temporary structure will be restored to the size, subject to par. (b), location and use that it had immediately before the damage or destruction occurred or impose any limits on the costs of the repair, reconstruction or improvement if all of the following apply:

1. The nonconforming temporary structure was damaged or destroyed after October 14, 1997.

SECTION 10. 59.692 (2m) of the statutes is created to read:

59.692 (2m) (a) In this subsection, "nonconforming structure" means a structure that does not conform with a county shoreland zoning ordinance enacted under this section but that existed lawfully before the county shoreland zoning ordinance was enacted.

BILL

(b) A county may not enact, and a county, city, or village may not enforce, a provision in a county shoreland zoning ordinance that regulates the use, location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by the department under this section.

(c) A city or village annexed as provided under sub. (7) (a) or incorporated as provided under sub. (7) (ad) may not enact or enforce a provision in a city or village shoreland zoning ordinance that regulates the use, location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by the department under this section.

SECTION 11. 60.61 (5) (a) to (e) of the statutes are amended to read:

60.61 (5) (a) An ordinance adopted under this section may not prohibit the continued use of any building, premises, structure, or fixture, or the repair or maintenance of any building, premises, structure other than a billboard, or fixture, for any trade or industry for which the building, premises, structure, or fixture is used when the ordinance takes effect. ~~An ordinance adopted under this section may prohibit the alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the district, but the continuance of the nonconforming use of a temporary structure may be prohibited.~~ If a use that does not conform to an ordinance adopted under this section is discontinued for a period of 12 months, any future use of the land, building, premises, temporary structure, or fixture shall conform to the ordinance.

(b) Except as provided in par. (d), immediately after the publication of a town zoning ordinance, the town board shall provide for the compilation of a record of the

BILL**SECTION 11**

1 present use of all ~~buildings and premises~~ temporary structures used for purposes not
2 in conformity with the zoning ordinance. The record shall contain the names and
3 addresses of the owner of the nonconforming use and any occupant other than the
4 owner, the legal description of the land, and the nature and extent of the use of the
5 land. The record shall be published in the town as a class 1 notice under ch. 985.
6 Within 60 days after final publication, upon presentation of proof to the town board,
7 errors or omissions in the record may be corrected. At the expiration of the 60-day
8 period, the record shall be filed in the office of the town clerk after the record is first
9 recorded in the office of the register of deeds. The record is prima facie evidence of
10 the extent and number of nonconforming uses of temporary structures existing at the
11 time the ordinance takes effect. Errors or omissions in the record shall be corrected
12 by the town board upon petition of any citizen or by the board on its own motion. The
13 decision of the board concerning errors or omissions is final.

14 (c) Immediately after the record of nonconforming uses of temporary structures
15 is filed with the town clerk, the clerk shall furnish the town assessor the record of
16 such nonconforming uses within the town. After the assessment for the following
17 year and each succeeding assessment, the town assessor shall file a written report,
18 certified by the board of review, with the town clerk listing all nonconforming uses
19 of temporary structures which have been discontinued since the prior assessment.
20 The town clerk shall record such discontinued nonconforming uses as soon as
21 reported by the assessor. In this paragraph, "town assessor" includes the county
22 assessor assessing the town under s. 70.99.

23 (d) Paragraphs (b) and (c) do not apply to towns issuing building permits as a
24 means of enforcing the zoning ordinance or of identifying nonconforming uses of

BILL

1 temporary structures or to towns which have established other procedures for this
2 purpose.

3 (e) 1. In this paragraph, "amortization ordinance" means an ordinance that
4 allows the continuance of the lawful use of a nonconforming ~~building, premises,~~
5 temporary structure, or fixture that may be lawfully used as described under par. (a),
6 but only for a specified period of time, after which the lawful use of such ~~building,~~
7 ~~premises, temporary structure, or fixture~~ must be discontinued without the payment
8 of just compensation.

9 2. Subject to par. (a), an ordinance enacted under this section may not require
10 the removal of a nonconforming ~~building, premises, temporary structure, or fixture~~
11 by an amortization ordinance.

12 **SECTION 12.** 60.61 (5m) (a) (intro.) and 1. of the statutes are amended to read:

13 60.61 (5m) (a) (intro.) Restrictions that are applicable to damaged or destroyed
14 nonconforming temporary structures and that are contained in an ordinance
15 adopted under this section may not prohibit the restoration of a nonconforming
16 temporary structure if the temporary structure will be restored to the size, subject
17 to par. (b), location, and use that it had immediately before the damage or destruction
18 occurred, or impose any limits on the costs of the repair, reconstruction, or
19 improvement if all of the following apply:

20 1. The nonconforming temporary structure was damaged or destroyed on or
21 after March 2, 2006.

22 **SECTION 13.** 61.351 (5), (5m) (a) (intro.) and 1. of the statutes are amended to
23 read:

24 61.351 (5) REPAIR AND EXPANSION OF EXISTING TEMPORARY STRUCTURES PERMITTED.
25 Notwithstanding s. 62.23 (7) (h), an ordinance adopted under this section may not

BILL

SECTION 13

1 prohibit the repair, reconstruction, renovation, remodeling or expansion of a
2 nonconforming temporary structure in existence on the effective date of an ordinance
3 adopted under this section or any environmental control facility in existence on the
4 effective date of an ordinance adopted under this section related to that temporary
5 structure.

6 (5m) (a) (intro.) Restrictions that are applicable to damaged or destroyed
7 nonconforming temporary structures and that are contained in an ordinance
8 adopted under this section may not prohibit the restoration of a nonconforming
9 temporary structure if the temporary structure will be restored to the size, subject
10 to par. (b), location, and use that it had immediately before the damage or destruction
11 occurred, or impose any limits on the costs of the repair, reconstruction, or
12 improvement if all of the following apply:

13 1. The nonconforming temporary structure was damaged or destroyed on or
14 after March 2, 2006.

15 SECTION 14. 62.23 (7) (h) of the statutes is amended to read:

16 62.23 (7) (h) *Nonconforming uses.* The continued lawful use of a building,
17 premises, structure, or fixture, or the repair or maintenance of a building, premises,
18 structure other than a billboard, or fixture, existing at the time of the adoption or
19 amendment of a zoning ordinance may not be prohibited although the use does not
20 conform with the provisions of the ordinance. ~~The nonconforming use may not be~~
21 ~~extended. The total structural repairs or alterations in such a nonconforming~~
22 ~~building, premises, structure, or fixture shall not during its life exceed 50 percent of~~
23 ~~the assessed value of the building, premises, structure, or fixture unless~~
24 ~~permanently changed to a conforming use~~ continuance of the nonconforming use of
25 a temporary structure may be prohibited. If the nonconforming use is discontinued

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1 for a period of 12 months, any future use of the ~~building, premises, temporary~~
2 ~~structure, or fixture~~ shall conform to the ordinance.

3 **SECTION 15.** 62.23 (7) (hc) 1. (intro.) of the statutes is amended to read:

4 62.23 (7) (hc) 1. (intro.) Restrictions that are applicable to damaged or
5 destroyed nonconforming temporary structures and that are contained in an
6 ordinance enacted under this subsection may not prohibit the restoration of a
7 nonconforming temporary structure if the temporary structure will be restored to the
8 size, subject to subd. 2., location, and use that it had immediately before the damage
9 or destruction occurred, or impose any limits on the costs of the repair,
10 reconstruction, or improvement if all of the following apply:

11 **SECTION 16.** 62.23 (7) (hc) 1. a. of the statutes is amended to read:

12 62.23 (7) (hc) 1. a. The nonconforming temporary structure was damaged or
13 destroyed on or after March 2, 2006.

14 **SECTION 17.** 62.23 (7) (hc) 2. of the statutes is amended to read:

15 62.23 (7) (hc) 2. An ordinance enacted under this subsection to which subd. 1.
16 applies shall allow for the size of a temporary structure to be larger than the size it
17 was immediately before the damage or destruction if necessary for the temporary
18 structure to comply with applicable state or federal requirements.

19 **SECTION 18.** 62.23 (7) (hg) 1. and 2. of the statutes are amended to read:

20 62.23 (7) (hg) 1. In this paragraph, "amortization ordinance" means an
21 ordinance that allows the continuance of the lawful use of a nonconforming ~~building,~~
22 ~~premises, temporary structure, or fixture~~ that may be lawfully used as described
23 under par. (h), but only for a specified period of time, after which the lawful use of
24 such ~~building, premises, structure, or fixture~~ must be discontinued without the
25 payment of just compensation.

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2. Subject to par. (h), an ordinance enacted under this subsection may not require the removal of a nonconforming building, premises, temporary structure, or ~~fixture by an amortization ordinance.~~

SECTION 19. 62.231 (5) and (5m) (a) (intro.) and 1. of the statutes are amended to read:

62.231 (5) REPAIR AND EXPANSION OF EXISTING TEMPORARY STRUCTURES PERMITTED.

Notwithstanding s. 62.23 (7) (h), an ordinance adopted under this section may not prohibit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming temporary structure in existence on the effective date of an ordinance adopted under this section or any environmental control facility in existence on May 7, 1982 related to that temporary structure.

(5m) (a) (intro.) Restrictions that are applicable to damaged or destroyed nonconforming temporary structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming temporary structure if the temporary structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming temporary structure was damaged or destroyed on or after March 2, 2006.

(END)

Shovers, Marc

From: Bates, Katherine
Sent: Thursday, January 19, 2012 9:46 AM
To: Shovers, Marc
Subject: LRB 3146

Hello Marc,

Rep. Tiffany's office will be taking over legislative activity regarding LRB 3146, please feel free to share any drafts/information regarding that draft with their office.
Thank you!

Katherine Bates
Office of Representative Jim Steineke
Fifth Assembly District
304 North, State Capital
(608) 266-2418

→ 6-7694
Jessie is
Augustine
the contact
in Rep. Tiffany's
office

I may contact Tom Lason with
questions

Shovers, Marc

From: Augustyn, Jessie
Sent: Thursday, January 19, 2012 5:23 PM
To: Shovers, Marc
Cc: Konopacki, Larry
Subject: Nonconforming structures bill
Attachments: 1707.pdf

Hi Marc,

Here are the most recent drafting instructions (actually the only drafting instructions) I have seen. Please feel free to work with Tom Larson of the realtors association and Larry Konopacki (cc'ed on this email).

As I mentioned earlier, I will be on vacation after next Monday the 23rd and returning Feb 6. During that time you'll get answers from our office by calling Tom Tiffany's cell (715-892-1320). If there is anything I can do to help out before Monday, please let me know.

Thanks very much for your help!

Jessie Augustyn
Legislative Assistant for Rep. Tom Tiffany
(608) 266-7694

The proposed bill draft (LRB 1707/3) does not accomplish the intent of the bill and needs the following changes:

1. The bill draft further confuses nonconforming uses with nonconforming structures. Nonconforming uses are different than nonconforming structures. The intent of the bill is NOT to make any changes to the nonconforming use sections in the statutes, so all changes to nonconforming use sections of the statutes should be eliminated. In addition, the word "temporary" should be removed from all sections of the bill.
 - a. Delete sections – 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 17, 18, 19
 - b. Keep only sections – 8, 10
2. The definition of "nonconforming structure" should be added to all major zoning sections in the statutes. (e.g., 59.69, 60.61, 62.23)
 - a. Add -- A "nonconforming structure" means a dwelling or building that existed lawfully before the current zoning ordinance was enacted, but does not conform with one or more of the development standards in the current zoning ordinance such as setback, size, height, lot coverage, impervious surface, or parking.
 - b. Remove all references to billboard or fixtures. The definition of nonconforming structure above defines the scope of the proposed regulations.
3. Allow property owners to repair and maintain all nonconforming structures located anywhere in the community (i.e., in both shoreland areas and nonshoreland areas)
 - a. Add -- "An ordinance adopted under this section shall not prohibit or limit the value of repairs, maintenance, reconstruction, renovation or remodeling of a nonconforming structure in existence on the effect date of an ordinance adopted under this section." (Add to Wis. Stat. sec. 59.69, 60.61, 62.23)

Shovers, Marc

From: Kite, Robin
Sent: Friday, November 11, 2011 9:35 AM
To: Steineke, Jim
Cc: Shovers, Marc
Subject: RE: Submitted: LRB 11-3146/1 Topic: Ordinances to comply with shoreland zoning rules? body=

Rep. Steineke:

I draft in the area of Natural Resources including shoreland zoning and Marc Shovers drafts in the area of local government. Because you have asked for a redraft that eliminates the changes to shoreland zoning regulation, Marc Shovers will now be the sole drafter for this redraft. Please feel free to contact Marc directly if you have any questions about the redraft.

Robin

From: Steineke, Jim
Sent: Thursday, November 10, 2011 12:06 PM
To: Kite, Robin
Subject: Submitted: LRB 11-3146/1 Topic: Ordinances to comply with shoreland zoning rules?body=

Can we switch gears a bit and delete any references to shoreland zoning in this bill and just leave in the changes to non-conforming use. The purpose is to allow any maintenance and repair on non-conforming use structures without the locals imposing a 50% rule

Rep. Jim Steineke
304 North, State Capitol
Madison, WI 53708
(608) 266-2418
(888) 534-0005 Toll Free